Looking back and moving forward: Michigan's environmental policy

The following guest commentary was written by Jennifer McKay, policy director for the Tip of the Mitt Watershed Council.

2018 concluded with a legislative lame-duck session for the books. In total, 408 bills were sent to former Gov. Snyder’s desk, many of which were highly controversial. While some negative legislation passed, the Watershed Council, our partners, and Michigan’s citizens were able to defeat or amend many other anti-environmental bills.

Here is a recap of a few of the bills that became law in former Gov. Snyder’s final days in office.

Senate Bill 1197 (Public Act 359) — Authorizing a Utility Tunnel in the Straits of Mackinac

Public Act 359 creates a new Mackinac Straits Corridor Authority. The Authority will oversee construction and operation of a tunnel proposed to go under the Straits of Mackinac to house Enbridge Energy’s Line 5. Just one week after being signed into law, at the inaugural meeting of the Mackinac Straits Corridor Authority, the Authority approved agreements that will allow Enbridge Energy to pursue construction of the utility tunnel.

Senate Bill 1211 (Public Act 631) — Changes to Corridor Authority, as well as if the actions taken by the new board are legal.

In addition, Tip of the Mitt Watershed Council joined forces with Michigan Environmental Council, Michigan League of Conservation Voters, and more than 20 organizations across the state to develop an Environmental Roadmap. This roadmap provides a comprehensive policy agenda for the first 100 days and first term of the Whitmer administration. Here are four of our top policy priorities:

— Establish an enforceable PFAS drinking water standard so we can protect communities and ensure clean drinking water.
— Identify and secure new funding to replace all lead service lines and upgrade our state’s crumbling water infrastructure.
— Replace the Clean Michigan Initiative, a critical funding source responsible for the cleanup of hundreds of polluted waterways and brownfields.
— Support funding and construction projects like the Brandon Lock and Dam and working with other Great Lakes states to protect our state’s greatest natural resource — our water.

With a presidential administration set on weakening environmental protections designed to safeguard our families and our public health, it’s time to put Michigan in the driver’s seat and ensure our elected leaders push...
Senate Bill 1211 (Public Act 631) – Changes to Michigan’s Wetlands, Inland Lakes, and Streams Programs

Public Act (PA) 631 ended up being a significantly scaled-back version of the original bill. Under the original proposal, more than 550,000 acres of wetlands and 4,200 lakes would have lost protections.

In the end, PA 631 adds the federal definition of Waters of the United States (WOTUS) to the current definition of lakes and streams and wetlands. The federal definition is clearer and has been in place since 2001. By including WOTUS in the definitions, it is tying Michigan’s program to a non-stable and complicated federal standard that could lead to time delays, lack of clarity, and lack of predictability.

In addition, PA 631 does not have effective witness fees for violations and contested cases. Because the program has no funding source for this and there is no limit or criteria for amounts, it is likely that our state programs will suffer financially as a result.

House Bill 4205 (Public Act 602) – No Stricter than Federal

Public Act 602 prevents the State of Michigan from adopting environmental rules more stringent than federal standards, thereby handcuffing the state in its effort to protect public health and the environment. The legislation is overly broad and would impede necessary regulatory flexibility that is vital for many programs including protection of the Great Lakes.

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